

Judge: Philip H. Brandt
Chapter: 13
Hearing Date: March 13, 2008
Hearing Time: 9:30 a.m.
Hearing Location: Judge Brandt's Courtroom
U.S. Courthouse
700 Stewart St., Rm. 8106
Seattle, WA 98101
Response Date: March 6, 2008

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:) IN CHAPTER 13 PROCEEDING
MALAIA BALINBIN,) NO. 06-12261
Debtor.) OBJECTION TO CONFIRMATION
) OF PLAN AND MOTION TO
) DISMISS CASE

K. Michael Fitzgerald, Chapter 13 Trustee, by and through the undersigned, hereby objects to the confirmation of and moves to dismiss the above-named debtor's Chapter 13 case, and states as follows:

On July 13, 2006, the debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code. On July 28, 2006, the debtor filed a plan proposing a payment of \$3,300 per month. That plan was never confirmed. On November 8, 2006, the debtor filed a First Amended Plan, dated November 7, 2008, proposing a payment of \$3,508 per month and a 100% dividend to allowed unsecured claims.

The debtor is a self employed sales consultant. She is not making consistent payments of the \$3,508 per month proposed in her First Amended Plan. The debtor is presently delinquent \$10,348.

On February 7, 2007, the debtor and her mortgage lien creditor, CitiFinancial, stipulated to the entry of an agreed order denying confirmation of the debtor's First Amended Plan. That order required that the debtor file a confirmable plan by no later than March 1, 2007. The debtor has not

**OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS - 1**

*Chapter 13 Trustee
600 University St. #2200
Seattle, WA 98101-4100
(206) 624-5124 FAX 624-5282*

1 done so. Accordingly, the trustee submits the debtor's case should be dismissed.

2 A proposed Order on this Objection and Motion is attached hereto and is incorporated herein
3 by this reference.

4 WHEREFORE, the Chapter 13 Trustee requests that the Court enter an Order denying
5 confirmation of debtor's plan and dismissing debtor's Chapter 13 case.

6 DATED this 9th day of February, 2008.

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8 */s/ K. Michael Fitzgerald*
9 K. MICHAEL FITZGERALD, WSBA #8115
Chapter 13 Trustee
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OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS - 2

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